

MEMO ENDORSED**WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP**

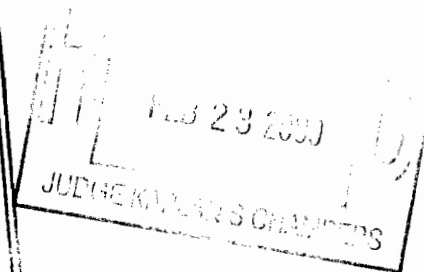
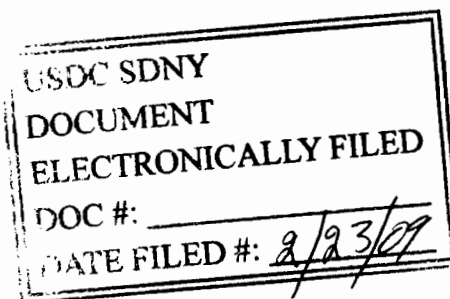
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February 20, 2009

By Overnight DeliveryThe Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1310
New York, NY 10007

Re: *In re Lehman Brothers Securities and ERISA Litigation*, No. 09 MC 2017 (LAK);
In re Lehman Brothers ERISA Litigation, No. 08 Civ. 5598 (LAK)

Dear Judge Kaplan:

We represent the ERISA Plaintiffs in the above referenced action, and write in advance of the conference set in these actions scheduled for March 2, 2009.

Plaintiffs filed their Consolidated Amended Complaint for Violations of the Employee Retirement Income Security Act on October 27, 2008 (D.I. 53). For a variety of reasons, including scheduling in the *Operative Plasterers and Cement Masons Int'l Ass'n Local 262 Annuity Fund v. Lehman Bros. Holdings, Inc., et al*, No. 08-cv-5523 (LAK) (the "Securities Action") and the MDL proceedings, the briefing schedule on Defendants' motion to dismiss was pushed off twice. Defendants recently filed their motion to dismiss the Complaint on February 13, 2009 (D.I. 65).

The parties to the ERISA action now respectfully request an extension to the current briefing schedule to allow counsel to work around various scheduling conflicts. Counsel for all parties to the ERISA action have consented to a request for the following schedule:

- Plaintiffs shall file and serve opposition brief(s) to Defendants' motion to dismiss no later than April 28, 2009; and
- Defendants shall file and serve reply brief(s) no later than May 19, 2009.

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

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If Your Honor has any questions regarding the pending motion or any other aspect of this litigation, we stand ready to respond.

Respectfully,

Scott Farrell
by *HP*
Scott J. Farrell

SHF/jw/536918

cc: **(Via e-mail)**

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Granted
~~SO ORDERED~~

HP
LEWIS A. KAPLAN, USDC
2/23/09